

THE  
BRITISH NORTH AMERICA ACT,  
1867,  
MADE EASY.

---

INTENDED AS AN EASY COACH FOR CIVIL  
SERVICE CANDIDATES.

---

**N.B.—Well Informed Persons are Warned off.**



P  
5012  
1883  
886N

OTTAWA:  
CITIZEN PRINTING AND PUBLISHING COMPANY, 31 METCALFE STREET.

1883.

61  
P3012  
1883  
B86N

THE  
BRITISH NORTH AMERICA ACT,  
1867,  
MADE EASY.

---

Designed for the Use of Civil Service Candidates.

---

N.B.—WELL-INFORMED PERSONS ARE WARNED OFF.

---

*What is the British North America Act ?*

An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof.

*When was it passed ?*

In 1867—being the thirtieth year of the Queen's reign.

*Why was it passed ?*

1st. Because Canada, Nova Scotia and New Brunswick desired to form one Dominion under the British Crown, with a like Government to that of the United Kingdom.

2nd. Because such Union would benefit all concerned.

3rd. Because it was desirable to provide for the possible incorporation of other parts of British North America.

4th. Because it was expedient to enact a form of Government for the new Dominion.

*By whom was it passed ?*

By the Queen, with the authority of the then sitting Parliament of Great Britain.

## I.—PRELIMINARY.

*Clause.*

- 2.—*To whom do the provisions of this Act referring to the Queen extend ?*

To Her heirs and successors, Kings and Queens of Great Britain and Ireland.

## II.—UNION.

- 3.—*How was the Union declared ?*

By the Queen's Proclamation that on a certain day, within six months of the passing of this act, the Provinces of Canada, Nova Scotia and New Brunswick should become one Dominion, and then and thereafter be known by that name.

- 4.—*When were the provisions of the Act to take effect ?*

On and after the day appointed for the Union in the Queen's Proclamation.

- 5.—*How was Canada thereby divided ?*

Into 4 Provinces :—Ontario, Quebec, Nova Scotia and New Brunswick.

- 6.—*How was the Province of Canada re-constituted ?*

Into 2 separate Provinces :—Upper Canada being called Ontario, and Lower Canada, Quebec.

- 7.—*Were the limits of Nova Scotia and New Brunswick altered ?*

No.

- 8.—*When was a general census ordered to be taken ?*

In 1871, and in every tenth year afterwards.

*What was said as to the populations of the 4 Provinces ?*

They were to be kept distinct.

## III.—EXECUTIVE POWER.

- 9.—*Who is Supreme Head of Government, etc., in Canada ?*

The Queen.

- 10.—*Who is Her local representative ?*

The Governor General appointed by Herself, or, in his absence, the Chief Executive Officer for the time being.

- 11.—*Who are the Governor General's advisers ?*

The Privy Council.

*Clause.*

*How is it constituted ?*

Of persons chosen by the Governor General, and sworn in as Privy Councillors.

*Can Privy Councillors be removed ?*

Yes ; By the Governor General.

12.—*What general authority was vested in the Governor General by the Act ?*

He was empowered to exercise all authorities and functions which were at the time of the Union vested in the Executive Head of the respective Provinces.

*Were the said powers unalterable ?*

No ; the Parliament of Canada might alter or abolish any, except such as existed under acts of the United Kingdom Parliament.

13.—*Define the term " Governor General in Council ? "*

The Governor General acting upon the advice of his Privy Council.

14.—*Can the Queen authorize the Governor General to appoint deputies ?*

Yes ; the Governor General may appoint any person to be his deputy in any part of Canada as he may think fit, subject to any directions given by the Queen.

*Does such an appointment prejudice the Governor General's authority in that part ?*

In no way.

15.—*Who holds supreme Naval and Military Command in Canada ?*

The Queen.

16.—*Where is the seat of Government ?*

At Ottawa, during the Queen's pleasure.

#### IV.—LEGISLATIVE POWER.

17.—*What is the Constitution of Parliament ?*

The Queen, Senate and House of Commons.

18.—*How are the Privileges, etc., of Members defined ?*

By Act of the Dominion Parliament from time to time.

*Clause.**Are those Privileges limited in any way ?*

They are not to exceed those which at the passing of this Act were enjoyed by members of the British Houses.

19.—*When was Parliament ordered to meet ?*

Within six months after the Union.

20.—*When was Parliament required to be in Session ?*

At least once a year—so that 12 months should not elapse between prorogation and assembly.

## THE SENATE.

21.—*Of whom does the Senate consist ?*

Of 72 Senators.

22.—*In what proportion do they represent the Provinces ?*

Ontario, 24 ; Quebec, 24 ; the Maritime Provinces (Nova Scotia and New Brunswick), 12 each.

*Is there not a special distribution in Quebec ?*

Yes ; each Senator represents one of the 24 electoral divisions into which Lower Canada is divided.

23.—*What are the qualifications of a Senator ?*

Five in number :—1st. He must be 30 years of age.

2nd. He must be a natural born or naturalized subject of the Queen. If the latter, he must have been naturalized by Act of Parliament of the United Kingdom, of a Provincial Legislature, or of the Dominion, having regard to the date of the Union and his date of naturalization.

3rd. He shall be lawfully possessed, either in fact or in deed, of freehold lands or tenements, within the Province for which he is appointed, of the value of \$4,000, clear of all charges on the same.

4th. His real and personal property must be worth \$4,000 over and above his liabilities.

5th. He must be resident in his Province.

*Is there not a further proviso in the case of a member for Quebec ?*

Yes ; he must reside or have his property qualification in his electoral division.

24.—*How is a Senator summoned ?*

By the Governor General in the Queen's name, under the Great Seal of Canada.



*Clause.*

25.—*How were the first Senators Summoned ?*

Under the Queen's sign manual, their names being published in the Proclamation of Union.

26.—*Can the number of Senators be increased ?*

3 or 6 may be added by the Queen upon the Governor General's recommendation.

*Why 3 or 6 ?*

In order to represent equally the Senatorial Divisions of Canada.

27.—*In such a case, how would the numbers be reduced ?*

By not filling up casual vacancies until the normal number were reached, viz : 72.

28.—*What is the maximum number allowed ?*

78.

29.—*How long does a Senator hold his place ?*

For life.

30.—*May a Senator resign his place ?*

Yes ; in writing to the Governor General.

31.—*When does he forfeit his seat ?*

- A. If he fails to attend for 2 consecutive sessions.
- B. If he becomes bankrupt, or insolvent, or a defaulter.
- C. If attainted of treason, or convicted of felony.
- D. If his property or residence qualification fails.

*Does the fact of his residing at the seat of Government bring him under the residence disqualification ?*

No.

32.—*How is a vacancy in the Senate filled ?*

The Governor General summons a fit and qualified person.

33.—*Who determines questions respecting qualification ?*

The Senate.

34.—*How is the Speaker of the Senate appointed ?*

The Governor General selects and appoints a Senator.

*Can the Speaker be removed ?*

Yes ; by the Governor General, who can appoint another.

*Clause.*

35.—*What number constitutes a quorum ?*

Fifteen, including the Speaker.

36.—*How are questions decided ?*

By a majority of voices.

*Has the Speaker a casting vote ?*

No ; he votes on all occasions.

*If the voices are equal, how is the question decided ?*

In the negative.

#### THE HOUSE OF COMMONS.

37.—*How many members in the Commons ?*

181.

*Apportion them to the Provinces.*

Ontario, 82 ; Quebec, 65 ; Nova Scotia, 19 ; New Brunswick, 15.

38.—*Who summons the House of Commons ?*

The Governor General, under the Great Seal.

39.—*Can a Senator sit or vote in the Commons ?*

No.

40.—*How is the representation of Canada in the House of Commons provided for ?*

The 4 Provinces are divided into electoral districts.

*How is Ontario divided ?*

Into Counties, Ridings of Counties, Cities, Parts of Cities and Towns.

*How many members for each electoral district ?*

One.

*How is Quebec divided ?*

Into 65 electoral districts, composed of the 65 electoral divisions into which Lower Canada was divided at the passing of the Act.

*How many members for each ?*

One.

*How is Nova Scotia divided ?*

Into 18 Counties.



*Clause.**How many members for each ?*

One, with the exception of Halifax which returns two ; 19 in all.

*How is New Brunswick divided ?*

Into 14 Counties.

*How many members for each ?*

One each, with the exception of St. John City which returns two ; 15 in all.

41.—*What provision did the Act make for the conduct of elections ?*

That, until otherwise provided by Dominion Parliament, the then existing laws in the respective Provinces should remain in force, and apply to the said Parliament.

*Was there not one exception ?*

Yes ; in the case of seats vacated by dissolution, when the former regulation as to issue of new writs would not apply.

*Was there not a special franchise proviso for a certain district ?*

Yes ; the district of Algoma, where, in addition to voters otherwise qualified, every male householder being a British subject and 21 or more years of age, was to have a vote.

*Was this a permanent provision ?*

No ; it was only to hold good until otherwise provided by the Dominion Parliament.

42.—*How was the first election provided for ?*

The Governor General was to issue writs to whom and in such manner as he thought fit.

*What powers were conferred upon persons issuing writs, and returning officers ?*

The same powers as were exercised by similar officers in regard to the Provincial Legislatures at the time of the Union.

43.—*How were casual vacancies to be filled ?*

In the same way that original elections were made.

*Was any provision made for future elections ?*

Yes ; the Dominion Parliament would prescribe its own regulations thereon.

44.—*What is the first duty of the House after general election ?*

To elect a Speaker.

*Clause.*

*Must he be a member of the House ?*

Yes.

45.—*Suppose the Speaker dies or resigns ?*

The House at once elects another.

46.—*Who presides at all meetings of the House ?*

The Speaker ; the House cannot proceed without him.

47.—*In his temporary absence, what is done ?*

If he is absent for 48 consecutive hours, the House may elect another member to officiate for him.

48.—*How many members constitute a House ?*

At least 20 must be present, including the Speaker.

49.—*Has the Speaker a vote ?*

Not unless the voices are equal, when he has a casting vote.

50.—*What is the duration of the House of Commons ?*

Five years, unless sooner dissolved by the Governor General.

51.—*What provision was made for the representation of the Provinces in future Parliaments ?*

The number of members for Quebec was definitely fixed at 65, no matter what its population. At each 10 yearly census it was to be ascertained what proportion those 65 members bore to the actual population of Quebec, and the number of members of the other Provinces were to be in the same proportion to their respective populations.

*Suppose the population of Quebec to be 65,000, with its 65 members, and the population of Ontario to be 70,000, how many members would the latter be entitled to ?*

To 70 members, because 70,000 is to 70 as 65,000 is to 65. In other words, one member to each 1,000.

*On this principle, suppose Ontario to have a population of 70,500, would she be entitled to an additional member for the odd 500.*

No ; upwards of one half of the qualifying number is necessary to make good the claim for additional representation.

*Would, then, 70,501 population give her 71 members ?*

It would.

*Clause.*

*Suppose, now, that the population of Ontario at the next census in 1891 were shown to be decreased, would her representation in point of numbers be affected?*

Not necessarily. Ontario's population in 1891 would be compared with the aggregate population of Canada as it stood in 1881, and if the former were found to have diminished in the proportion of one-twentieth part or more, a readjustment of the number of her members would take place, otherwise she would not be liable to deprivation of any.

*When were these regulations to take effect?*

Not until the termination of the then existing Parliament.

52.—*Cannot the House of Commons increase its numbers?*

Yes; but only within the lines laid down by this Act.

#### MONEY VOTES—ROYAL ASSENT.

53.—*Who holds the public purse strings?*

The House of Commons.

54.—*How are money votes originated?*

By the Governor General's recommendation to the House.

55.—*When a bill has passed both Houses, what is necessary before it can become law?*

The Governor General's assent on behalf of the Queen.

*Can he refuse such assent?*

Yes; or he can reserve the bill for the Signification of the Queen's Pleasure.

56.—*Is the Governor General's assent final?*

No; he sends a copy of the bill to the Secretary of State for the Colonies, and within two years after receipt thereof, the Queen in Council can disallow it if she thinks fit.

*How is her disallowance made known?*

By Governor General's speech or message to both Houses, or by proclamation.

*From when does the disallowance take effect?*

From the day of such Signification.

57.—*What authority has a bill which is so reserved?*

It has no force unless and until within two years, reckoning from the day on which it was presented to the Governor General, the Queen's assent is by him signified.

*Clause.*

*Are records kept of such speeches, messages, etc ?*

In the Journal of each House, and a duplicate among the Records of Canada.

## V.—PROVINCIAL CONSTITUTION.

### EXECUTIVE POWER.

58.—*Who is the Chief Provincial Officer, and how appointed ?*

The Lieutenant Governor, appointed by the Governor General in Council.

59. *What is his tenure of office ?*

During the Governor General's pleasure. He is not removable, however, within five years from appointment, except for specified cause.

60.—*How is his salary paid ?*

It is fixed and provided by the Parliament of Canada.

61.—*What is required of every Lieutenant Governor before assumption of duties ?*

Oaths of allegiance and office before the Governor General or his delegate.

62.—A Lieutenant Governor's *locum tenens* is bound by these provisions.

63.—*Mention the Executive Officers of Ontario and Quebec under this Act.*

The Attorney General, the Secretary and Registrar of the Province, the Treasurer, the Commissioner of Crown Lands and the Commissioner of Agriculture and Public Works.

In the Province of Quebec there are two additional, viz. : the Speaker of the Legislative Council and the Solicitor General.

*What were these officers called collectively ?*

The Executive Council.

*How were they originally appointed ?*

By the Lieutenant Governor, their appointments to be continued at his discretion.

64.—*How was the Executive authority of Nova Scotia provided for ?*

It was to remain as it previously existed, being subject and liable to alteration by authority of this Act.

*Clause.*

65.—*What powers were vested in the Lieutenant Governors of Ontario and Quebec ?*

All that they enjoyed previous to the Union, subject, nevertheless, to future provincial legislation, except such as were authorized by British Parliament Acts.

66.—Define “Lieutenant Governor in Council.”

The Lieutenant Governor acting upon the advice of his Executive Council.

67.—*How was administration to be carried on in the absence of the Lieutenant Governor ?*

By an Administrator appointed by the Governor General.

68.—*Name the Provincial Seats of Governments ?*

Toronto, Quebec, Halifax, Fredericton.

*Can the Seats of Government be removed therefrom ?*

Yes ; at the discretion of the Provincial Executive.

## LEGISLATIVE POWER.

### ONTARIO.

69-70.—*How is the Legislature of Ontario styled, and of what composed ?*

The Legislative Assembly. It consists of the Lieutenant Governor, and of one House of 82 members, representing 82 Electoral Districts.

### QUEBEC.

71.—*Wherein does the Legislature of Quebec differ from that of Ontario ?*

In having a Lieutenant Governor and two Houses—called the Legislative Council and the Legislative Assembly.

72-74.—*What was provided as to the Constitution of the Legislative Council ?*

Twenty-four members, were to represent the 24 Electoral Divisions of Lower Canada, appointed by the Lieutenant Governor. Their qualifications and disqualifications were assimilated to those of Senators for Quebec ; their tenure of office for life, unless otherwise provided by the Provincial Legislature.



*Clause.*

75.—*How was a vacancy to be filled ?*

By the Lieutenant Governor, under the Great Seal of Quebec.

76.—*How were questions affecting their seats to be determined ?*

By the Council itself.

*How was the Speaker to be appointed ?*

By and at the discretion of the Lieutenant Governor.

77.—*What was to constitute a quorum ?*

Ten members, including the Speaker, unless otherwise provided.

79.—*How were questions to be decided ?*

In the same way as in the Senate.

80.—*Describe the Constitution of the Legislative Assembly.*

Sixty-five members from the 65 Electoral Divisions of Lower Canada, subject to Provincial legislation.

*Was not a certain limitation imposed on future legislation in regard to some districts ?*

Yes ; in respect to 12 specially fixed districts, as to the limits of which no alteration could be made unless at least 7 out of the 12 members representing those constituencies should vote with the majority of the Assembly, sanctioning such change.

*Was not an obligation imposed upon the Lieutenant Governor in the event of an alteration being proposed ?*

Yes ; he was not to assent to any such bill unless assured by an address that the 2nd and 3rd readings had been passed by a majority of the Assembly, as above stipulated.

#### ONTARIO AND QUEBEC.

81.—*When were the first Provincial Sessions to be held ?*

Not later than 6 months after the Union.

82.—*How were the Legislatures to be summoned ?*

By the Lieutenant Governors, under the Provincial Great Seal.

83.—*What restriction was placed on the election of officeholders ?*

No person holding a paid Provincial appointment, by nomination of the Lieutenant Governor, was eligible to be a member of the Legislative Assembly.



*Clause.*

*Did this provision extend to the members of the Executive Council appointed in the first instance by the Lieutenant Governor ? (See A. 63.)*

No; provided they were elected while holding office, they were not disqualified from sitting and voting in the House.

84.—*How were the first Elections after the Union to be conducted ?*

All the laws relating to elections, voters, new writs, etc., which were in existence at the time of the Union, were to remain in force until new laws were made.

*Was the District of Algoma to enjoy its special franchise ?*

Yes; as in Dominion Elections (see A. 41), until otherwise provided.

85.—*What is the limit of a Provincial Parliament's life ?*

Four years, unless sooner dissolved by the Lieutenant Governor.

86.—*How often was the Legislature to meet ?*

At least once a year, as in the case of the Dominion Parliament.

87.—*In what particulars do the Provincial Houses resemble the Dominion House of Commons ?*

In the election, temporary representation and duties of the Speaker; the quorum and mode of voting.

NOVA SCOTIA AND NEW BRUNSWICK.

88.—*What was enacted as to the Legislatures of Nova Scotia and New Brunswick ?*

They were to remain in *statu quo* until altered, and the then sitting Assembly of New Brunswick could continue for the period for which it was elected, unless sooner dissolved.

ONTARIO, QUEBEC AND NOVA SCOTIA.

89.—*How were writs to be issued for first election in these Provinces ?*

By the Lieutenant Governors, and in such manner that in each district the election for Dominion and Provincial Parliaments should take place simultaneously.

THE FOUR PROVINCES.

90.—*What Dominion Parliament enactments were made applicable to the Procedure of Provincial Houses ?*

The provisions relating to Appropriation and Tax Bills, the recommendation of Money Notes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved.

*Clause.*

*In the last particular was not the period reduced ?*

From two years to one ; and the Governor General, the Lieutenant Governor, and the name of the Province would be read in place of the Queen, the Governor General, and Canada, respectively.

## VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

### POWERS OF THE PARLIAMENT.

91.—*How did the Act prescribe the distribution of Legislative authority ?*

It assigned certain subjects exclusively to the Provincial Legislatures, but conferred upon the Dominion Parliament alone the enactment of laws for the peace, order, and good government of Canada generally, reserving also thereto jurisdiction on certain other specified subjects.

*Mention the specified subjects on which jurisdiction was reserved to the Dominion Government, and classify them, as far as possible, so that one answer may lead to another.*

- (1) Public debt and funds ; taxation ; borrowing of public money, and pay of public officials.
- (2) Trade and commerce ; weights and measures ; bankruptcy.
- (3) Banks ; savings banks ; bills of exchange ; currency ; coin ; interest, and legal tender.
- (4) Militia and military service.
- (5) Navigation and shipping ; carriage of all kinds by water ; sea coast ; lighthouses ; buoys ; etc. ; inland fisheries, and quarantine.
- (6) Postal service.
- (7) Patents and copyrights.
- (8) Census and statistics ; marriage and divorce.
- (9) Indians ; naturalization and aliens.
- (10) Criminal law and penitentiaries.

Any other matter not exclusively Provincial.

92.—*Can a Province legislate as regard the office of Lieutenant Governor ?*

No.

*Clause.*

*Enumerate the subjects on which it can legislate.*

- (a) Provincial taxation, borrowing of money, sale of lands, etc., shop and other licenses, and pay of provincial officials.
- (b) Administration of justice, imposition of provincial punishment, maintenance of courts, prisons and reformatories.
- (c) Municipal institutions, hospitals, asylums, etc.
- (d) Provincial companies.
- (e) Marriage, property and civil rights in the Province. Generally speaking, all local matters which do not affect in any way any other province.

*Are railways, canals, telegraphs, etc., out of the range of their jurisdiction?*

Yes, unless they can be shown to have none but provincial objects.

## EDUCATION.

93.—*How was education generally provided for?*

Each province, bound by certain provisions, could legislate for its own.

*What were the provisions?*

1. All rights and privileges possessed by denominational schools at the Union were to be respected.
2. Like privileges were conferred on Roman Catholic and Protestant schools in Ontario and Quebec.
3. A minority, whether Roman Catholic or Protestant, in a matter affecting education was given the right of appeal to the Governor General in Council.
4. The Dominion Parliament could make remedial laws if necessary.

## UNIFORMITY OF LAWS IN ONTARIO, NOVA SCOTIA AND NEW BRUNSWICK.

94.—*Was no stipulation made as to uniformity of laws in Ontario and the Maritime Provinces?*

Right was reserved to the Dominion Parliament to establish equal civil and property rights, and to regulate the procedure of the courts in those Provinces.

*Were the Provincial Houses to have nothing to say in this matter?*

Any Act so passed by the Dominion Parliament was not to take effect in any province unless and until it were passed into law by the Legislature thereof.

*Clause.*

#### AGRICULTURE AND IMMIGRATION.

95.—*What General Rule was established in regard to Agriculture and Immigration ?*

The Dominion Parliament could legislate thereon as to all or any of the Provinces ; and the Provincial Legislatures, who could make laws for their respective provinces in these matters, could only do so within the bounds of the above.

#### VII.—JUDICATURE.

96.—*How were Judges to be appointed ?*

The Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick, were to be appointed by the Governor General.

*From whence selected ?*

97-98.—In Quebec, from the Quebec bar ; and so in the other Provinces, pending new laws.

99.—*What was the tenure of office of Judges of the Superior Courts ?*

During good behaviour.

*Could they be removed ?*

Yes ; by the Governor General on Address of the Senate and Commons.

100.—*By whom were their salaries to be paid ?*

By the Dominion Parliament.

101.—*Was any discretion given to Parliament as to increasing the number of Courts ?*

It could do so if necessary, and could also establish a General Court of Appeal.

#### VIII.—REVENUES, DEBTS, ASSETS, TAXATION.

102.—*What was the name given to the Fund out of which charges on account of the Public Service were to be defrayed ?*

The Consolidated Revenue Fund.

*Of what was it to consist ?*

Of all duties and revenues appropriated by the respective Provinces at the time of the Union, with the exception of such portions as were by this Act assigned for their exclusive use.

*Clause.*

*What expenses were chargeable to that Fund ?*

- 103.—1st. Expenses of its own collection.
- 104.—2nd. Interest on the Public Debt of the several Provinces at the time of the Union.
- 105.—3rd. Salary of the Governor General, fixed in the first instance at £10,000 sterling.

*What was to be done with the balance ?*

- 106.—It was to be devoted by Parliament to the Public Service.
- 107.—*What contributions were made by the several Provinces to the Dominion Revenue ?*
- 109.—Briefly, all money and securities belonging to each at the time of the Union ; public highways by land and water, with their accessories ; public buildings, property, lands and works.

111.—*On the other hand, what liabilities did the Dominion assume ?*

The debts, etc., of each Province existing at the Union.

112.—*Was there not a stipulation in this bargain as regarded the Province of Canada ?*

Yes ; it was agreed that if her debt, when transferred to the Dominion, were greater than \$62,500,000, Ontario and Quebec should be responsible for the surplus, and should be charged interest thereon at the rate of five per cent. per annum.

*What was the maximum amount of debt which the Dominion would take over from Nova Scotia and New Brunswick ?*

- 114.—From Nova Scotia, \$8,000,000 ; eight per cent. interest being payable by the Province upon any excess.
- 115.—From New Brunswick, \$7,000,000 ; seven per cent. interest being payable by the Province upon any excess.
- 116.—*In the event of their respective debts not being so great as estimated, what was further agreed ?*

That the Dominion should pay the Provinces five per cent. interest on the difference between the actual and the estimated amounts.

117.—*Did the Provinces resign all public property ?*

No ; only such as is stipulated in this Act.

*Did the Dominion reserve right to any public lands or property for military purposes ?*

Yes ; for fortifications or for defence.



*Clause.*

118.—*What grants were agreed to be paid by the Dominion towards the Provincial Legislatures?*

To Ontario, \$80,000.

To Quebec, \$70,000.

To Nova Scotia, \$60,000.

To New Brunswick, \$50,000 ;

In addition to a capitation grant of eighty cents per head of the population as ascertained by the census of 1861.

*Were these amounts definitely settled?*

They were so in Ontario and Quebec ; but in Nova Scotia and New Brunswick the capitation grant was to be paid for the actual numbers of the population, as ascertained by each successive census, until a maximum population of 400,000 souls in each Province was attained, when the grant was to be limited for the future to those numbers.

*What proviso was attached to this undertaking?*

That the Provinces would have no further claim on the Dominion.

*How were these grants to be paid?*

Half yearly in advance, any interest due to the Dominion by the respective Provinces on their public debt being first deducted.

119.—*Was not a further grant awarded to New Brunswick?*

Yes ; \$63,000 for ten years, payable half yearly in advance.

*Subject to what conditions?*

That so long as her debt was under \$7,000,000, five per cent. interest on the deficiency should be deducted from the yearly stipend.

*Suppose her debt to be \$6,750,000?*

Five per cent. interest on the \$250,000 difference would be \$2,500, and that amount would be deducted from the \$63,000 grant.

120.—*How were such payments to be effected?*

As directed from time to time by the Governor General in Council.

121.—*How were Customs duties provided for?*

Import duties between provinces were abolished, so far as future production, etc., was concerned.



*Clause.*

122-123.—Pending legislation by Parliament, the Customs and Excise laws of each Province were to remain in force, subject to this Act ; and goods, etc., subject thereto at the Union were to be chargeable with the export and import duties of the Provinces respectively concerned.

124.—*How were the lumber dues in New Brunswick affected ?*

They were to be left intact, but could not be increased ; lumber of the other Provinces being made nonexciseable.

125.—*What class of property was exempted from taxation ?*

Public lands and property—Dominion or Provincial.

126.—*What name was given to the Provincial Finances ?*

The Provincial Consolidated Revenue Fund.

## IX.—MISCELLANEOUS PROVISIONS.

### GENERAL.

127.—*What was provided in the event of a Provincial Legislative Councillor being offered a seat in the Senate ?*

He would be assumed to have declined the appointment unless within 30 days he accepted it in writing to the Chief Executive Officer of his Province.

*Was his acceptance to involve resignation of his seat in the Provincial Council ?*

Yes, in the case of Nova Scotia and New Brunswick.

128.—*What was required of every legislator ?*

The oath of allegiance.

*When, and before whom was the oath to be taken ?*

Previous to taking his seat ; before the Governor General or Lieutenant Governor, or their authorized representatives.

*What also was required of Senators and Councillors of Quebec ?*

The declaration of qualification, relating to property and pecuniary independence.

129.—*How was the due course of law, etc., ensured ?*

Until otherwise enacted, all Provincial laws, courts, etc., were to remain in force.

*Clause.*

- 131.—*As to the appointment generally of officers for the proper execution of this Act, pending the action of Parliament, what was said?*

The Governor General in Council could make any such appointments; and, as it would happen that certain officers in the Provinces would perform duties that thenceforward would partake more of a Dominion than merely Provincial nature, it was provided that any such should be held responsible to the Central Government.

- 132.—*How were treaty obligations to apply?*

Equally on Canada as on the rest of the British Empire.

- 133.—*What languages were authorized to be used officially?*

Debates in the Dominion Parliament and in Quebec Houses of Legislature, as well as the Acts by them respectively passed, were to be recorded in English and French.

Either language might be used in debate, and in pleading, etc., in any court of Canada or Quebec.

#### ONTARIO AND QUEBEC.

- 134.—*How was the appointment of Executive Officers for Ontario and Quebec provided for?*

Until otherwise provided by the Provincial Legislature, the Lieutenant Governors could appoint them (see Cl. 84) to hold office during pleasure, and could further prescribe their duties, and the numbers and duties of assistants that might be required in their respective departments.

- 135.—*What powers were conferred on such nominees?*

All powers, etc., not being repugnant to this Act, which were vested in the corresponding Provincial officials.

*A triple office was imposed upon one Functionary?*

The Commissioner of Public Works was also Commissioner of Agriculture, and in addition was required to act as Minister of that Department.

- 136.—*What were the great seals of Ontario and Quebec to be?*

The same as those for Upper and Lower Canada before their Union as the Province of Canada.

- 138.—*How were inconveniences resulting from possible errors in names of Provinces after the Union precluded?*

*Clause.*

By providing that the words Upper Canada and Lower Canada should be as valid in law as Ontario and Quebec, respectively.

139.—*What authority was conceded to Proclamations before and after and the Union ?*

140.—Any Proclamations, under the Great Seal of the Province of Canada, affecting that Province or its component parts, might take effect, etc., as if the Union had not been made.

141.—*What was to be the penal prison of Ontario and Quebec ?*

The Penitentiary of the Province of Canada, until otherwise directed by Parliament.

142.—*How was the adjustment of the liabilities and assets of Upper and Lower Canada to be effected ?*

By three arbitrators—one for Ontario, one for Quebec, and one (who was not to be a resident of either Province) for the Dominion.

143.—*How were the Provincial Records, etc., to be divided ?*

By the Governor General in Council at his discretion.

144.—*Who was authorized to constitute new Townships in Quebec ?*

The Lieutenant Governor, by Proclamation.

## X.—INTERCOLONIAL RAILWAY.

145.—*How did the Intercolonial Railway originate ?*

In a Declaration by the Provinces that such communication was necessary for their mutual welfare.

*What resulted from that Declaration ?*

Parliament was required to commence the work within six months after the Union, to construct the road without intermission, and complete it with all practicable speed.

*What was the object of the road ?*

To connect the River St. Lawrence with the City of Halifax, Nova Scotia.

*Clause.*

# XI.—ADMISSION OF OTHER COLONIES.

146.—*What power was reserved for the admission of other Provinces into the Union ?*

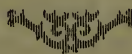
The Queen, if she thought fit, could, by Order in Council, admit Newfoundland, Prince Edward Island and British Columbia, all or any of them, on addresses to that effect from the Dominion Parliament and the respective Legislatures of the Provinces or Colonies concerned. In the same way Rupert's Land and the North-West Territories, or either of them, could be received on address from the Dominion Parliament alone, the conditions of incorporation in each case being expressed in the addresses and subject to the provisions of this Act.

147.—*Were these Provinces to be entitled to representation in the Senate in case of their admission ?*

Provision was made only for Newfoundland and Prince Edward Island.

Newfoundland was to be credited with four Senators, and in her case the normal number of Senators was to be raised to seventy-six (see Cl. 21), and their maximum number to eighty-two (see Cl. 28).

In the case of Prince Edward Island, four additional members were to be accredited to the Senate on her account, but as vacancies occurred among the Senators of Nova Scotia and New Brunswick, each of those Provinces was to be shorn of two members, and the number of their representatives permanently reduced to ten.





---

*Entered according to Act of Parliament, in the year one  
thousand eight hundred and eighty-three, in the office  
of the Minister of Agriculture, at the City of Ottawa.*

---